

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JPMORGAN CHASE BANK, N.A.,)
)
Plaintiff,)
)
v.) Civil No. 11-cv-721-JPG-SCW
)
FRANK TERIET a/k/a FRANK E. TERIET)
a/k/a FRANK ERNEST TERIET, SR. a/k/a)
FRANK TERIET, SR., SHEILA TERIET)
a/k/a SHEILA KAY TERIET a/k/a)
SHEILA K. TERIET, INTEGRA BANK)
NATIONAL ASSOCIATION, LYLE D.)
PAHNKE, JR. MD, COMMUNITY)
TRUST BANK, UNITED STATES OF)
AMERICA, UNKNOWN OWNERS,)
and NON-RECORD CLAIMANTS,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter comes before the Court on the Plaintiff's Motion to File Exhibit 4 Under Seal (Doc. 27). The Court has reviewed Exhibit 4 and finds that there is no reason to seal that document in its entirety. The Court therefore **DENIES** the motion (Doc. 27) and **ORDERS** that the plaintiff shall have five days from the date of this order to file the exhibit in support of its motion for summary judgment.

The Court further **DENIES in part** the motion for summary judgment (Doc. 26) to the extent it requests default judgment against defendants Frank Teriet, Sheila Teriet, Integra Bank National Association, Lyle D. Pahnke, Jr. MD, Community Trust Bank and Unknown Owners and Non-Record Claimants. Pursuant to Federal Rule of Civil Procedure 55, obtaining default judgment is a two-step process; a default judgment cannot be entered until a party's default has been entered on the record by the Clerk of Court. Additionally, pursuant to Local Rule 55.1, notice of the default and motion for default judgment must be served on the defaulted party before a default

judgment can be entered. The plaintiff has not obtained default against the foregoing defendants and has not included the necessary statements regarding notice to defaulted parties in its motion for summary judgment on the basis of default.

**IT IS SO ORDERED.
DATED: JUNE 15, 2012**

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE